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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2095 (2013) of 14 March 2013. It covers major political and security developments, provides an overview of the humanitarian and human rights situation and outlines the activities of UNSMIL since the issuance of my report of 21 February 2013 (S/2013/104).

Political and security-related developments

2. During the reporting period, already significant political polarization was accentuated and manifested, inter alia, in the prolonged and divisive debate on the Political and Administrative Isolation Law, which seeks to bar officials from the previous regime from participation in public life. Along with the political and security fallout it created, disagreement remains strong over the future of the revolutionary brigades and illustrated controversies around the functioning of political institutions. For its part, the role of political parties is increasingly questioned and, in some cases, discredited.

3. Conflicting interests and views of political and regional forces in the country reflected in the General National Congress may have compromised its effectiveness as a legislative body and its standing in the eyes of many Libyans. This has had an undeniable impact on the stability of the political process and has hindered the Government in its ability to address the main problems facing the country.

4. The debate over the proposed law on political and administrative isolation dominated much of the political scene during the reporting period. Public support grew steadily for the exclusion from the political process and government bureaucracy of senior former regime officials, corrupt figures and others who had committed major human rights violations.

5. As deliberations became increasingly divisive within the General National Congress with regard to the scope of the proposed isolation law, a series of security incidents unfolded in which various political groups and armed elements stepped up their pressure on the authorities to adopt the law. Among these were the siege on the General National Congress on 5 March, forcing the legislative body to temporarily suspend its activities; an armed attack the same day on a vehicle carrying the then-President of the General National Congress, Mohammed El-Magariaf; assaults on a

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number of media outlets for their perceived bias against the law; and, most significantly, a two-week siege which began on 28 April by revolutionary brigades of several government ministries, including foreign affairs, interior and justice.

6. A majority vote in the General National Congress on 9 April resulted in the amendment of article 6 of the Constitutional Declaration, effectively protecting legislation on political isolation from legal challenge and thus paving the way for the eventual passage of the law. In its original form, the article had guaranteed citizens' equality before the law, which would have potentially disqualified the proposed law.

7. On 5 May, the General National Congress voted for the Political and Administrative Isolation Law by an overwhelming majority. The law, which is applicable for 10 years, lists a wide range of political, administrative and other positions, as well as types of affiliation and conduct, as a basis for the exclusion of individuals from public life. Proposals that the law include provisions for exempting persons on the basis of their early support for the Libyan revolution were rejected. Prior to the adoption of the law, UNSMIL advised the General National Congress on international standards and best practices for the vetting of State institutions, as well as on the potential consequences of exclusionary measures. In a memorandum presented to the General National Congress President, UNSMIL indicated clearly that some of the criteria for the proposed law are disproportionate, and at times vague, and could violate the civil and political rights of many citizens.

8. A commission has been formed to implement the law in all cases except those involving the judiciary. A number of challenges to the constitutionality of the law have since been submitted, including one by Libya's National Council for Civil Liberties and Human Rights.

9. Despite a distinguished record in active opposition to the Qadhafi-regime over three decades, Mohammed El-Magariaf chose to resign from his post as President of the General National Congress on 28 May in anticipation of the application of the law to him. First Vice-President Juma Attiga followed suit on 16 July. Nouri Abu-Sahmain has since replaced Mr. El-Magariaf as President, following a vote by the General National Congress on 25 June.

10. In response to calls from within the General National Congress and elsewhere for the formation of an emergency Cabinet, Prime Minister Ali Zeidan announced on 31 July that he would make new ministerial appointments and set up a crisis committee within the Cabinet. Deputy Prime Minister Awad al-Barasi resigned on 1 August, charging that government decision-making was overcentralized. A number of other ministers had resigned earlier in anticipation of being disbarred under the Political and Administrative Isolation Law.

11. The political fallout of the Political and Administrative Isolation Law deepened on 4 July, with the decision of the Coalition of National Forces to suspend the participation of its members in the General National Congress, except for the discussion and adoption of the electoral law for the Constitution Drafting Assembly. The bloc's leaders cited intimidation by armed groups with respect to the adoption of the isolation law as grounds for their boycott. The Coalition of National Forces also urged agreement on a future road map, given that delays in adopting the electoral law for the Constitutional Drafting Assembly meant that the current timelines specified for the transitional period would extend beyond the mandate of

the General National Congress, which ends in February 2014. Although the Coalition later rescinded its boycott, it announced on 1 August that it was suspending its participation in the political process until a Constitution was in place, and leaving it to individual members to decide whether to continue sitting in the Congress. Separately, leaders of the Justice and Construction Party initially declared on 5 July that it would cease to operate as a political party within both the General National Congress and the Government, and that its legislators and ministers would function as independents; the decision was later reversed, following opposition from the party's Supreme Council.

12. Throughout the political crisis that ensued over the debate and subsequent adoption of the Political and Administrative Isolation Law, my Special Representative, Tarek Mitri, and his team stepped up engagement with all parties concerned, underlining the need for dialogue to defuse tensions and ensure respect for the democratic process.

Constitution-drafting process

13. Efforts aimed at starting the constitutional process remained a political priority throughout the reporting period. The General National Congress in February resolved the long-standing dispute over the manner in which members of the Constitution Drafting Assembly would be selected. It opted for the election of a 60-member body with equal representation from the three historical regions of Libya. To this effect, it had to adopt a new amendment to the Constitutional Declaration, following a ruling of the Supreme Court. On 16 July the General National Congress approved an electoral law, with a majoritarian system and single seat constituencies. Six seats were reserved for women and another six for the three minority communities: the Amazigh, the Tuareg and the Tabu.

14. Groups representing the three communities objected to the law on the grounds that it failed to adequately uphold their rights. They launched a campaign of civil disobedience in protest on 24 July, including a boycott of the General National Congress. On 30 July, Congress passed a law recognizing the Amazigh, Tuareg and Tabu languages and providing for them to be taught in schools. Although community leaders welcomed the move, and Tuareg legislators ended their boycott, they continued to demand constitutional safeguards.

15. The United Nations remained actively engaged in supporting civic education and public outreach on constitutional issues in an effort to help the Libyan people prepare to participate in the constitution-drafting process. UNSMIL chairs a constitutional support working group that serves as the primary coordination and information-sharing mechanism for international partners working on the issue. The United Nations Development Programme (UNDP) organized a number of training workshops on constitutional processes, and is giving support to a national outreach campaign by a civil society organization; in collaboration with the United Nations Electoral Support Team, UNDP also trained women's rights advocates on the electoral elements of the constitutional process. Working with the European Union and the University of Benghazi, UNDP also supported a nationwide survey of public views on the Constitution.

Decentralization

16. On 1 June, the Transitional Council of Barqa, which brings together pro-federalists in the east, unilaterally declared eastern Libya a federal region. The Council claimed the move was necessary in the light of the central Government's failure to address the political, security and socioeconomic needs of eastern Libya, and stated that it would work towards establishing its own governance structures. Surveys indicate that public support for federalism is low. However, there remains a broad consensus on the need for the decentralization of government services, the generation of employment opportunities and heightened investment in infrastructure throughout the region. In a move designed to reaffirm its commitment to address these legitimate concerns, the Government announced on 5 June that it would re-establish in due course the headquarters of the National Oil Company and a number of other State institutions in Benghazi.

Internally displaced communities

17. A decision by leaders of the displaced Tawergha community to announce their return to their hometown of the same name highlighted the plight of the community resulting from their forced displacement, and the harsh living conditions they continue to endure. My Special Representative witnessed this first-hand during a visit to a displacement camp in Tripoli on 3 June 2013. Given allegations of human rights violations in Misrata by Tawerghan community members in 2011, their unilateral return, in the absence of an agreement to address these violations through appropriate justice mechanisms, was deemed fraught with risks. Following intense mediation efforts in the lead up to the 25 June deadline set by the Tawerghans, and a public commitment by the Government to develop a plan for their return and improve their living conditions, the Tawergha Local Council agreed in June to postpone the return.

18. Meanwhile, the bodies of 11 people were exhumed in May from a grave in Tawergha. The identification process proceeded amid political controversy over their identity and cause of death. UNSMIL proposed that the Government create a fact-finding mechanism, within the context of an integrated transitional justice strategy, to address both the grievances of the inhabitants of Misrata against Tawerghans during the revolution and the grievances of displaced Tawerghans following the revolution.

19. Intermittent clashes between the Mashashiya and Guntrar tribes in March and April resulted in the displacement of an estimated 3,000 residents from Mizdah, predominantly Mashashiyans. They have since returned to their homes following a ceasefire agreement between representatives of the two tribes.

Security situation in Tripoli

20. Following a series of incidents involving kidnapping, armed robberies and other criminal activity, the General National Congress adopted on 20 March Decision 27, instructing the Ministries of Defence and the Interior to remove from the capital all "illegitimate armed formations", and ensure transfer to the army of all illegal arms and military equipment in the city. Notwithstanding broad public support for the decision, its implementation has proven to be quite difficult, partly owing to the conflicting political and regional agendas on the part of the various brigades.

21. As tensions grew between rival revolutionary units in Tripoli, major clashes erupted on 26 June between Zintan brigades affiliated with the Ministry of Defence and others affiliated with Tripoli's Supreme Security Committee. The two-day clashes left at least 10 dead, and on 27 June, the Minister of Defence, Mohammad al-Bargathi, was dismissed. The restoration of a fragile calm to the city's streets was interrupted by the remote detonation of four car bombs on 16 July.

22. A tribal gathering in Zintan issued a statement strongly criticizing the General National Congress, the Government and political parties for the continued failure to build an effective army and police force. On the opposing side, a number of local councils convened in Tripoli and condemned the actions of those military groups which they perceived as threatening the capital's peace and stability. Amid objections from a number of General National Congress members, on 27 July General National Congress President Abu Sahmain assigned a coalition of revolutionary brigades the task of protecting Tripoli, citing the inability of the army and the police to do so. Following a decision by the General National Congress on 5 August authorizing the President to take urgent measures to uphold security in all parts of the country, Libya Shield units from the central and western parts of the country began deploying in Tripoli on 8 August as part of an emergency plan to secure the city.

Eastern Libya

23. Benghazi and other parts of eastern Libya witnessed mounting opposition to the revolutionary brigades, particularly those formations referred to as Libya Shields, which are comprised largely of revolutionary units falling under the operational control of the Chief of General Staff of the Libyan army. Political differences regarding their long-term status precipitated a fatal clash on 8 June, when a demonstration outside the barracks of one such Libya Shield brigade deteriorated into an exchange of fire between brigade members and protestors, as a result of which some 30 people were killed.

24. Responding swiftly to the violence in Benghazi, on 9 June the General National Congress passed Decision 53, in which it called on the Prime Minister to present a proposal for the integration of armed brigades into the military and on the judiciary to conduct an investigation into the incident. In the wake of that decision, the General National Congress accepted the resignation of the Chief of General Staff of the Army. Simultaneously, the Ministry of Defence called on military units in Benghazi to assume control of the barracks belonging to the four Libya Shield components stationed in the city. Although the deployment of Special Forces units from the military throughout Benghazi was welcomed by the city's population, and appeared to go some way towards meeting their demand for the army to be deployed, the move did not fully address the central issue of the Libya Shield brigades and their future.

25. In what appeared to be a related incident, on 15 June unidentified armed elements attacked the police force at the National Security Directorate in Benghazi. They subsequently engaged nearby military units, including from the Special Forces, leading to the death of several soldiers.

26. The tense security situation in Benghazi continued to evolve amid a discernible campaign of assassinations targeting members of the security forces in eastern Libya. Several current and former security officials were killed in Benghazi and Derna by unidentified elements. Similarly, police installations in Benghazi and Derna continued to come under attack.

27. The assassination on 26 July of prominent activist Abdelsalam al-Mesmari, the highest-profile political killing since the revolution, triggered a wave of protest demonstrations in Benghazi, Tripoli and other cities, in a number of cases accompanied by attacks on the offices of political parties.

Southern Libya

28. The security situation in the south remained mostly fragile despite efforts by the Government to assume greater control over its southern border areas and smuggling routes. The reporting period witnessed a spate of security incidents, including armed attacks on 30 March on the security directorate in Sabha and a military base in the region; and three car bombs in downtown Sabha on 26 June, resulting in four deaths and many others wounded.

29. The population in the south has expressed fears, based on unverified information or unconfirmed reports, regarding the infiltration into the south of members of extremist armed groups coming from, or through, neighbouring countries. To be sure, the south is not immune to the impact of the military intervention in Mali, which has resulted in, among other things, an influx of displaced persons. Clearly, the insecurity of Libya's borders is a regional issue that requires concerted efforts and international support.

30. In a move designed to improve tribal relations and promote peace and stability in the Sabha area, Awlad Suleiman and some Tabu tribal leaders signed on 20 April a reconciliation pact, viewed as controversial by some, in the presence of senior government officials. Residents in Sabha continue, however, to demand additional measures to help promote reconciliation in the region.

31. In response to fighting in early March in Kufra, primarily between the Zwaya and Tabu tribes, the General National Congress called on 26 March for the deployment of mixed government forces to assume control of checkpoints held by revolutionary brigades. Notwithstanding improvement in security in Kufra since clashes there in 2012, there has been little sustainable progress towards resolving long-standing grievances linked to local representation and service delivery, citizenship and identity card issues, illegal migration and tribal reconciliation between the Zwaya and Tabu communities.

II. Activities of the United Nations Support Mission in Libya

A. Electoral support

32. Following the 9 April decision of the General National Congress stipulating that the 60-member constitutional drafting assembly should be elected, an 18-member electoral committee was appointed with the task of presenting a draft electoral law.

33. After weeks of lengthy deliberations by the General National Congress plenary, the electoral law was finally passed on 16 July. My Special Representative had presented the leadership of the General National Congress with written commentary on the draft proposals for consideration by Congress members. A public statement was also issued by UNSMIL calling on the General National Congress to ensure the active participation of women in the constitution-drafting process, and urging the inclusion of special measures for women in the electoral law.

34. On 28 March, the General National Congress passed a revised law on electoral administration establishing the High National Election Commission as a permanent institution. The seven members of Board of Commissioners of the Commission, including one woman, were subsequently appointed on 21 April.

35. Amendments introduced in March by the General National Congress to Law No. 59/2012 on local administration provided a framework for local elections. In April, the Government issued a decision on rules and regulations regarding municipal council elections and appointed a central committee to oversee them, under the auspices of the Ministry of Local Governance, which has since approached UNDP with a request to assist the committee. Consequently, an electoral needs assessment mission was conducted in June to define the support that the United Nations will provide to the process.

36. During the reporting period, the United Nations Electoral Support Team focused on three major areas of assistance, including the provision of advice on the drafting of electoral legislation, support to the High National Election Commission and the promotion of electoral awareness and knowledge, particularly on issues of voter registration, electoral systems and promotion of gender equality in the electoral process.

37. The United Nations Electoral Support Team continued to work closely with the High National Election Commission, providing it with technical assistance on internal reorganization and capacity-building in the different areas of electoral administration. Further support is being provided to enable the Commission to commence operational planning for elections to the constitutional drafting assembly now that the requisite electoral legislation has been passed.

B. Human rights, transitional justice and rule of law

Detentions

38. The situation of conflict-related detentions has remained largely unchanged from my report of 21 February 2013, with the overall number of detainees estimated to be around 8,000, the majority of whom are held in facilities nominally under the authority of the Ministries of Justice or Defence. There was no significant advancement in the judicial screening of detainees, partly because of the limited enforcement power of the prosecutors and their reluctance to act for fear of reprisal. The safety of judicial personnel remained a serious concern, with several attacks on prosecutors and judges recorded, including the assassination of a high-level judge outside the courthouse in Derna on 16 June and bomb attacks on courthouses in Sirte and Benghazi on 24 and 28 July, respectively.

39. UNSMIL continued to advise the Government in support of its efforts to assert its authority over all detainees, provide further training to prosecutors and advise on the formulation of an overall prosecutorial strategy to deal with conflict-related detentions.

40. The treatment of detainees remains of serious concern, with evidence of continuing torture and other forms of ill-treatment, especially in a number of detention facilities. Since January 2013, UNSMIL has gathered evidence, including medical reports, suggesting that at least 10 deaths in custody were due to torture. No one has been held to account to date.

41. Conditions of detentions in a number of facilities, especially those holding illegal migrants under the authority of the Ministry of the Interior, remain largely unacceptable. The Ministry of Justice made significant efforts to improve conditions at several facilities, including in Zliten, where UNSMIL observed improvements, particularly in the medical care of detainees.

42. On 9 April, the General National Congress adopted a law criminalizing torture, enforced disappearances and discrimination. The law is likely to have a deterrent effect on grave abuses of human rights. It will contribute to ending impunity for the perpetrators of such abuses.

Trials of former senior regime officials

43. Trials of senior figures from the Qadhafi regime included trial sessions in Tripoli of former Prime Minister Al-Baghdadi Al-Mahmoudi on charges related to incitement to kill and corruption, and of Saif al-Islam Qadhafi in Zintan on charges relating to his alleged escape attempt during the visit from officials of the International Criminal Court in 2012. Two other former Qadhafi officials on trial in connection with the Lockerbie compensations were acquitted in Tripoli on 17 June. On 31 July, Ahmad Ibrahim al-Qadhafi, a former Education Minister, was sentenced to death along with five others by a court in Misrata.

44. On 31 May, the Pre-Trial Chamber of the International Criminal Court rejected the admissibility challenge by Libya in the case of Saif al-Islam Qadhafi. On 18 July, the Appeals Chamber rejected Libya's request to further suspend the order to surrender Mr. Qadhafi to the Court, recalling the obligation of Libya to effect such surrender, but the appeal on admissibility remained pending. Libya filed an admissibility challenge in the case against Abdullah al-Senussi on 2 April and the Pre-Trial Chamber granted a postponement of the surrender of Mr. Al-Senussi to the Court, pending its decision on the admissibility challenge.

Judiciary and prisons

45. Except for senior members of the Qadhafi regime, the resumption of criminal trials remains slow, owing to security problems, while civil, commercial and administrative courts appear to be resuming operations at a faster pace. On 17 April, the General National Congress adopted a law abolishing the jurisdiction of military courts over civilians. This is a welcome step towards compliance with international standards on the role of the military criminal justice system.

46. Following the amendment by the General National Congress of the law on the status of the judiciary meant to enhance the independence of the judiciary by allowing for the election of the Supreme Judicial Council by their peers, the Council, under its new composition, elected a president through a secret ballot and is considering proposals for further judicial reform. A law establishing a specialized administrative justice order and a constitutional court is being prepared. The law is part of a reform process to increase the ability of citizens to challenge administrative decisions and laws. UNSMIL is assisting in this reform process.

47. Recurrent cases of prison breaks have underlined the existing capacity gaps. Shortage of equipment, to mention an example, affects the judicial police and Libya's prison service. Of particular concern were breakouts from the Sabha prison involving dozens of inmates in March and April. In June, also in Sabha, armed men

attacked the prison freeing some 50 to 60 prisoners and killing one of them in his cell. On 27 July, some 1,400 inmates escaped following a riot at the Kweifiya prison in Benghazi. Those escaped included 500 charged with murder and other serious crimes, as well as a number of conflict-related detainees. In Misrata, the building of a new State-run prison is still under way.

48. UNSMIL continued to provide advice and training to the judicial police, assisting also in its restructuring. Some 10,000 members from the revolutionary brigades are estimated to have been integrated into the judicial police service, including 4,000 in 2013, reaching its full absorption capacity. A preliminary vetting process has been put in place, based on criminal records.

Transitional justice

49. A draft transitional justice law remains pending before the General National Congress following repeated delays in its adoption. A national human rights conference in al-Baida, endorsed by the Government and attended by my Special Representative, called on 30 May for the adoption of the law, among other recommendations. The existing fact-finding and reconciliation commission set up in 2012 has been largely inactive. On 26 June, the General National Congress ordered the establishment of a committee to look into the 1996 massacre at Abu Salim prison. UNSMIL continued to urge the adoption of the transitional justice law, which would allow for the implementation of a comprehensive strategy.

C. Security sector

50. A well-defined government plan to rebuild and reform State security institutions has not yet been agreed upon, and nor duly approved by the Government or endorsed by the General National Congress. Engaging revolutionary and other armed formations continues to be urgently needed in order to lift many obstacles to addressing national security problems.

51. The adoption of Decision 53 by the General National Congress on 9 June represents an important step. The Decision calls on the Government to develop a security plan to integrate all "legitimate" armed groups into the State security forces and to disband all those deemed "illegitimate". The Government's ability to finalize and implement initiatives to train large numbers of military and security forces in Libya will determine, significantly, the implementation of security plans. The Government is presently discussing with a number of international partners the modalities of the training, while also putting in place the necessary mechanisms for absorbing trained recruits into the State military and security apparatus.

Security sector architecture and coordination

52. The Government took initial steps towards establishing national security coordination mechanisms to address security issues more effectively. In this respect, the Government established a committee for border affairs, and following promulgation of Decision 53, another committee for integration and reintegration of members of armed groups. In support of the Government efforts, UNSMIL continued to provide advisory and coordination assistance in these two areas. Progress in the execution of the security sector plans continues to be dependent, to some extent, on effective government implementation mechanism.

53. The three security-related General National Congress committees gradually moved forward in exercising oversight of the Government activities in the national security sector. To strengthen the performance of these committees, the General National Congress and UNSMIL developed a comprehensive support programme. In June, UNSMIL organized the first workshop on civilian oversight of the security sector for representatives from the three committees.

Disarmament, demobilization and reintegration

54. The committee formed by the Prime Minister to look into the implementation of Decision 53 is expected to coordinate the efforts so far undertaken separately by the Ministries of Defence and Interior in integrating members of the revolutionary brigades and other armed groups into the armed forces and the police. At the request of the committee, UNSMIL is providing advice on different aspects of integration and reintegration.

55. A majority of members of armed groups has expressed the wish to be reintegrated into civilian life. The Warriors' Affairs Commission for Rehabilitation and Development, which is also represented on the committee, is focusing its efforts on creating employment, training and study opportunities, and has requested expertise from the international community in higher education programmes, vocational training and business development.

56. UNSMIL and the United Nations country team combined efforts to assist the Warriors' Affairs Commission for Rehabilitation and Development in the implementation of its reintegration projects. While the World Health Organization (WHO) continues to offer support services in the area of psychosocial care, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO), supported by the office of the Resident Coordinator, continue to work towards an operational plan to offer assistance in the area of vocational training and higher education. International coordination meetings chaired by the Mission have provided a regular forum where international partners and Libyan government institutions meet to identify concrete support for requests from the Government in the wider area of disarmament, demobilization and reintegration.

Border security

57. The Libyan authorities continue to face difficulties putting in place effective mechanisms for managing and securing national borders. Problems that need to be addressed include poor inter-agency coordination, operational ineffectiveness, lack of infrastructure in the remote southern border areas, and insufficient cross-border cooperation with neighbouring countries.

58. UNSMIL facilitated a workshop on implementing the priorities of Libya for border security and management on 22 and 23 April. The workshop brought together national bodies responsible for various border issues, border communities in Libya's southern region, civil society organizations and representatives from Algeria, Egypt, Tunisia and the African Union and other bilateral partners. The workshop resulted in 37 recommendations, covering the main areas of decision-making, inter-agency coordination, roles and responsibilities, operational capability, training, equipment, facilities and funding. The recommendations promoted an integrated approach to border security and management, aiming at enhancing border security capabilities,

fostering socioeconomic development in the south and integrating the revolutionaries into formal border security arrangements. The workshop provided an opportunity for the recently launched civilian European Union Border Assistance Mission to establish relationships with various concerned parties. UNSMIL, IOM and the European Union Border Assistance Mission are working collaboratively on border issues, and the workshop assisted European Union Border Assistance Mission in the development of its 2013 action plan.

Arms and ammunition management

59. Unsecured and damaged ammunition, chemical weapons materiel, easily accessible arms, and explosive remnants of war continue to pose a considerable threat to national and regional security. Financial support is required to determine the exact scale of the risk and inform counter-proliferation efforts. Sustained engagement is needed to ensure the emergence of Libyan institutional governance structures in this sector.

60. UNSMIL, through the United Nations Mine Action Service, continued to work with the Libyan authorities on early institution-building in the areas of ammunition management, arms control and humanitarian mine action by assisting Libyan efforts to establish interministerial committees, normative frameworks and standards. To help strengthen the Libyan security structure and ensure Libya's compliance with the International Mine Action Standards, UNSMIL provided technical and operational support to the Ministries of Defence and Interior, coordinating trainings on ammunition management, chemical weapons disposal and explosive ordnance disposal, and on mechanical detection equipment.

61. Pursuing a coherent "One United Nations" response, UNSMIL and the United Nations country team advised Libyan partners on strategic plans to address the existing landmine and the problem of explosive remnants of war in the country. Through expertise of the United Nations Children's Fund, UNSMIL supported risk education initiatives with the Ministry of Education, which resulted in the incorporation of the topic of risk education into the national school curriculum and textbooks, as well as the training of 290 teachers. Further to risk education sessions targeting 185,000 persons, these efforts reached an estimated 360,000 children.

62. Further to its submission of a plan for the destruction of the remaining chemical weapons stock with a completion date of December 2016, Libya resumed operations in March. Since February, UNSMIL, through the United Nations Mine Action Service, cleared 561,818 explosive remnants of war and small arms ammunition items weighing a total of 132 metric tons, covering 1.55 square kilometres of economically viable land and military areas and facilitated Libyan-led local projects on the safe storage and control of arms and ammunition. Despite these achievements, without additional financial support, the presence of unexploded ordnance, unsecured ammunition and uncontrolled weapons systems will continue to pose a significant risk to the civilian population.

Defence sector reform

63. Though the security situation in Libya remains unstable, the process of rebuilding the State's defence institutions has started, albeit slowly, with a number of concrete developments during the reporting period. UNSMIL continues to

provide strategic advice and coordination of international efforts to help build solid foundations for a capable defence sector under civilian oversight.

64. On 21 April, the Minister of Defence established a committee to revise Libya's military judicial system and laws, a task that will be undertaken with technical support from UNSMIL. Significant progress has been made in revising the military service law.

65. In an effort to address a central demand by the revolutionaries regarding the need to vet security personnel who had served under the former regime, and following the adoption of the Political and Administrative Isolation Law, the Integrity and Army Reform Commission was activated on 13 June. This step is seen as necessary for ensuring acceptance from the revolutionary groups regarding the new security forces.

66. In April, UNSMIL, in joint collaboration with the Ministry of Defence, the Libyan Armed Forces and bilateral partners, finalized proposals for a defence white paper, which lays out the elements for a future Libyan defence strategy and immediate priorities. The proposals have since been widely adopted by the Libyan defence sector as a blueprint for moving forward.

67. Reducing the inverted pyramid of senior personnel left over from the Qadhafi era is seen as an important element of security sector reform. To this end, a proposal for pension reform and incentives for early retirement written by a Canadian expert with the participation and facilitation of UNSMIL was presented to the Minister of Defence and the army's Chief of General Staff for consideration.

Police reform

68. UNSMIL continued its support to the Ministry of the Interior in overseeing the integration process of revolutionaries through the Ministry's central committee for integration, offering technical advice on a range of issues, including the reintegration of those who do not wish to join the police or do not meet the police service criteria and conditions.

69. As part of the reintegration process, the Ministry of the Interior claims to have registered some 78,346 revolutionaries through to the end of July, drawn from the Supreme Security Committee, a structure originally created to bring a number of revolutionary brigades under the general, and sometimes nominal, supervision. These include 3,935 currently receiving training, and 17,331 who have since completed their training. The reintegration process faces difficulties that range from limited training capacity, lack of equipment and the absence of clear deployment and follow-up plans.

70. The Government of Libya has prioritized the reform and restructuring of the Ministry of the Interior, but the actual decision on reforming and restructuring the Ministry has yet to be taken. UNSMIL continued to provide strategic advisory support to the Ministry on initiating the reform and restructuring process. UNSMIL also supported efforts to build the operational and administrative policing capacity within the Ministry.

71. In an effort to promote community-oriented policing, UNSMIL held a number of pilot workshops in Tripoli on community-oriented policing concepts, providing police, local authorities, civil society organizations and community representatives

an opportunity to form closer working relations in order to enhance community security and safety.

72. In the area of gender mainstreaming, UNSMIL conducted a workshop on women and policing, which aimed at assessing the current status of female police officers in the Ministry of the Interior and addressing their role in policing operations.

D. Coordination of international assistance

73. Consistent with the roles and responsibilities reflected in the United Nations integrated strategic framework in Libya for 2013-2014, and pursuant to the United Nations country team strategic framework for 2013-2014, the United Nations country team finalized its operational plan, which outlines programmes agreed between the United Nations and the Government of Libya in accordance with Libyan national priorities and needs.

74. The Peacebuilding Fund has made available approximately $500,000 to enable the United Nations system in Libya to rapidly deploy the short-term, dedicated technical experts to which I referred in my report of 21 March 2012 (S/2012/129, para. 77), when I outlined the UNSMIL approach to supporting Libyan priorities.

75. At the request of Libyan counterparts, missions from non-resident United Nations agencies, including the World Food Programme and the International Labour Organization, visited the country to discuss support to relevant Libyan institutions, in particular the Ministries of Planning, Economy, Foreign Affairs, Industry and Labour.

76. Implementation of the security, justice and rule of law development plans agreed last February at the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and Rule of Law convened in Paris has progressed slowly. A meeting on 8 June of Libya's international partners and Libyan government departments concluded with an agreement that working groups for technical implementation of these plans would be established under the oversight of a core coordination committee comprising relevant Libyan government departments and ministries, international partners, and UNSMIL as the lead international body for coordination of international support.

77. UNSMIL continues to convene sectoral working groups to ensure better coordination of international assistance to Libya. Most international partners participate actively in the work of these groups. Libyan ownership of the coordination process needs to be reaffirmed; a greater leadership role for Libyan counterparts, essential for efficient coordination, is persistently invited. UNSMIL continues to convene, support or participate in a range of coordination forums with a view to improving the coordination of international assistance to Libya.

E. Humanitarian situation

78. Efforts by the International Organization for Migration to provide support to communities severely affected during the 2011 armed conflict are ongoing, primarily through the implementation of psychosocial programmes across three newly established centres in Tripoli, Benghazi and Misrata.

79. Libya continues to witness high levels of migration. The slow progress of the Libyan authorities in establishing mechanisms to screen migrant flows has exacerbated protection concerns for those with special needs, including victims of trafficking, refugees and asylum seekers. In particular, individuals from sub-Saharan African countries continue to be subjected to prolonged detention, denial of legal presence and lack of access to the labour market. The United Nations High Commissioner for Refugees (UNHCR) has estimated that approximately 7,800 migrants and asylum seekers, predominantly from sub-Saharan Africa, reached Italy in the first half of 2013, with a further 600 having arrived to Malta.

80. As at the end of June 2013, some 24,400 refugees and asylum seekers were registered with UNHCR, including 11,502 Syrian refugees, 2,799 Eritreans, and 1,629 Somalis. Over a quarter of those registered have been assessed as vulnerable and in need of protection, and have received assistance from UNHCR.

81. The Government of Libya has agreed to provide Syrian refugees free access to health care and education. A national committee was established to register Syrian refugees and issue them with identity cards and work permits; UNHCR is providing the authorities with technical and material support to assist in this process. An estimated 25 per cent of the newly arrived refugees from Syria are in immediate need of assistance. UNHCR has deployed mobile teams throughout the country to register refugees from Syria, deliver relief items and facilitate access to education, medical and other services.

82. Along with United Nations funds, programmes and agencies, UNSMIL continued to work closely with local and international non-governmental organizations on preparedness to deal with potential humanitarian crises. UNSMIL also provided capacity support to the Office of the Prime Minister on issues related to internally displaced persons, including reconciliation efforts and humanitarian relief to vulnerable groups, and is working closely with the Libyan Humanitarian Relief Agency (LibAid), which acts as the national coordinator for humanitarian issues. Internal displacement remains a significant concern in Libya, with approximately 56,544 internally displaced persons registered in the country. While the number of internally displaced persons is fairly stable and the Government has the funds to support them, the return of internally displaced persons is closely tied to the success of a reconciliation process. The Government has established a Department for internally displaced persons affairs and has requested UNSMIL support to organize a national conference on internal displacement in Libya to help with the return of internally displaced persons.

III. Deployment of the United Nations Support Mission in Libya

83. As at 30 June, a total of 215 UNSMIL international staff, Government-provided personnel and national staff members had been deployed, comprising 191 in Tripoli, 3 in Benghazi, 4 in Sabha, 3 at United Nations Headquarters and 14 at the Global Service Centre in Brindisi, Italy.

IV. Safety and security

84. The bombing of the French embassy in Tripoli in April, the targeting of an Italian diplomatic vehicle in June, and the firing of a rocket-propelled grenade at the United Arab Emirates embassy in July count among the most serious incidents involving the international diplomatic community since the attack on the United States Government facilities in Benghazi in September 2012. The overall deterioration of the security situation in the country, and the continued lack of effective host government protection for the United Nations, necessitated a number of mitigating arrangements and called for further measures indispensable for ensuring the continuation of United Nations operations and programmes.

85. In June, United Nations staff members in Sabha were temporarily relocated to Tripoli after armed clashes erupted between rival tribes and the closure of the city airport.

V. Implementation of mission concept

86. In my report of 1 March 2012, I explained that the UNSMIL mission concept would have at its core the attributes of flexibility and responsiveness, driven by needs on the ground and the normative responsibilities of the United Nations. Although it has not been easy to identify and recruit individuals with the necessary specialist skills in areas such as security sector reform and the constitution-making process for work in Libya, the Mission is now equipped with a small core of relatively senior advisers across all mandate areas.

87. In the effort to recruit the necessary specialist expertise, the Mission has issued 36 post-specific job openings, and ultimately rostered 114 candidates; 20 of the 31 candidates recruited from these post-specific job openings are Arabic speakers. Outreach is a challenge, and the difficulty in recruiting staff fluent in both Arabic and English results in heavy reliance on international and national translators and interpreters.

88. UNSMIL has made a concerted effort to recruit and build the capacity of national professionals, and has to date filled 68 out of 113 national General Service and Professional posts with highly qualified Libyan staff, including 19 women. As at 1 August, women represented 40 per cent of national professionals, 34 per cent of international professionals and 31 per cent of the leadership posts (P5-Special Representative of the Secretary-General), and 26 per cent of field service staff. Unfortunately, international female staff constituted 43 per cent of those departing the mission between January 2012 and 1 August 2013.

VI. Financial aspects

89. By its resolution 66/263, the General Assembly approved the amount of $36,039,100 for UNSMIL for the period 1 January to 31 December 2012. By its resolution 67/246, the Assembly approved an additional amount of $50,637,200 for the period up to December 2013, bringing the total resources for UNSMIL for the biennium 2012-2013 to $86,676,300.

VII. Observations and recommendations

90. To safeguard the democratic transition of Libya and enable it to foster genuine progress, it is vital that all political forces demonstrate respect for the elected legitimate political institutions and adherence to the norms that govern their functioning. The centrality of the role of the General National Congress, as the main legislative institution, needs to be affirmed.

91. The considerable political polarization during the reporting period and the risks it carries in a context marked by precariousness and increasing insecurity should not be underestimated. The divisiveness that characterized the debate over the Political and Administrative Isolation Law, and the process leading to its adoption, is a strong reminder of the heavy legacy bequeathed to the Libyan people after decades of brutal authoritarian rule and the difficult consensus-building on a long-term national healing process. The controversy surrounding the law did not end with its adoption. There have been challenges to its constitutionality and warnings that its implementation may exacerbate tensions. It is therefore worth emphasizing the importance of measures regarding the law that will ensure proportionality, fairness, transparency and the safeguarding of civil and political rights in accordance with international human rights and legal standards.

92. The long-overdue adoption of the electoral law for the Constitution Drafting Assembly is expected to accelerate the process of constitution-making and create new political dynamics in the country. The United Nations will continue to work closely with the High National Election Commission, providing it with the support that it needs to ensure the success of the elections.

93. As the constitutional process begins to unfold, I wish to underline the importance of ensuring inclusion and attention to the legitimate aspirations of all segments of Libyan society, including women, minorities and young people. Crucial to the credibility of this process is maintaining a safe and secure environment, free from violence and armed intimidation. The United Nations stands actively ready and committed to provide the support necessary for the success of the constitution-making process.

94. I remain deeply concerned at the slow and insufficient progress in the transfer of detainees from the custody of armed brigades to the State. A few thousand detainees remain only nominally under the authority of relevant ministries, and thousands of others continue to be held by armed brigades not affiliated with the State in any form. The continuing ill-treatment and torture in non-State-run detention facilities is unacceptable. I take this opportunity to strongly remind all parties concerned of their duties and obligations to abide by their responsibilities under international humanitarian and human rights law and to cooperate with the Libyan Government in order to speed up the handover of all detainees to the custody of State institutions and set in motion due judicial processes.

95. I am concerned that the process of transitional justice remains almost stalled, with a draft law on transitional justice yet to be adopted by the General National Congress. Along with comprehensive and impartial truth-seeking initiatives, the law on transitional justice is essential for the facilitation of national reconciliation and the critical healing process. A proper legal framework is also needed to address the issue of missing persons and those forcibly disappeared, as is an overall policy on reparations. I therefore urge the Libyan authorities to adopt the legislation on

transitional justice, and to address these issues in an integrated way as a matter of urgency.

96. The reform of the composition of the Supreme Judicial Council constitutes a significant step towards enshrining the independence of the judiciary. An independent, impartial and professional judiciary is a safeguard for screening those held without charge or trial, and for the trials of senior members of the former regime. The volatile security situation continues to pose an obstacle to the establishment of a fully functioning judicial system. I remain conscious of the scope of the difficulties faced by Libyan judges and prosecutors in seeking to ensure that justice is served. I recommend that the Government adopt a security plan, with the involvement of all ministries concerned, to allow an accelerated resumption of court services across the country.

97. Next month will mark two years since the historic declaration of liberation was made following the cessation of armed conflict in Libya. However, for the transition period to be ultimately meaningful to all Libyan citizens, they need to see tangible improvements in their daily lives, in particular in the delivery of basic services at the local level, including in the areas of public health, education, housing and infrastructure, as well as in the creation of new employment opportunities. I therefore call on the Libyan Government and authorities to give urgent priority to making progress on this front and to make use of the international expertise and assistance that the United Nations, along with partners in the international community, have expressly committed to provide to Libya.

98. I commend the Government of Libya for its intensified efforts towards reforming the security institutions. It cannot be denied that this is an undertaking fraught with difficulties. However, the vision for integrating revolutionaries into the military and security forces or back into civilian life should find expression in a number of concrete decisions and relevant implementation mechanisms. A new national defence act and the reform of conditions of service in the military, in particular salary and pension reform, will undoubtedly constitute a positive step forward.

99. Despite the progress achieved in addressing border security issues, establishing effective control over the vast borders of Libya will take time and require considerable resources. However, given the regional dimension of border security, making tangible and sustainable progress in this regard is unrealistic without the cooperation of Libya's neighbours. The political support and technical expertise of the international community is fundamental in order to address the challenges related to transnational organized crime, terrorism, illegal migration, drugs and arms smuggling, all of which continue to pose a serious danger to the region's stability. I call on all concerned Governments to work collaboratively towards building meaningful partnerships and to lay the ground for the building of serious and viable border security mechanisms.

100. The continuing volatile security situation in Libya in general, and in the eastern and southern parts of the country in particular, is a source of grave concern. Targeted political assassinations, criminal activity and attacks and threats against the diplomatic community continue to plague the country, including Tripoli. The protection of the civilian population and the enforcement of law need to be reaffirmed as a national priority.

101. The status of the revolutionary brigades, and their relationship with the State, remains a matter of considerable contention and instability within Libyan society. Reaching consensus on their future in Libya's evolving security architecture is an issue of paramount importance. I welcome, in this regard, the reaffirmation by the Libyan authorities of the urgency of this endeavour. The United Nations will continue to offer its support as required by the Libyan authorities.

102. Notwithstanding the political and security developments in Libya since my previous report, I take due note of the widespread agreement on the need for an inclusive dialogue process, meant to seek consensus on national priorities, guidelines for the transitional process and norms of political action. Such dialogue is a prerequisite for the development of a broad-based peace and reconciliation process. I therefore call on the Libyan authorities to initiate, as a matter of urgency, a meaningful and comprehensive dialogue that would engage all political, revolutionary and social actors, in order to enhance national concord as the basis of viable and sustainable progress in the country's transition. Through the good offices of my Special Representative, UNSMIL will continue to encourage and assist this process.

103. In closing, I reiterate the commitment of the United Nations to fully supporting the Libyan people in their democratic transition. I commend the Libyan authorities and people for their accomplishments to date and I thank them for their close cooperation and collaboration with the United Nations. I also thank all international partners, regional organizations and others who have supported the Libyan people in their efforts to secure peace and stability. Finally, I wish to extend my sincere gratitude to the staff of UNSMIL and the United Nations system for their efforts to support the transition of Libya, and I commend my Special Representative, Tarek Mitri, for his strong leadership.